

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DANA CORNELISON,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CIV-05-370-C
)	
LOWE'S HOME CENTERS, INC.,)	
a North Carolina corporation,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant's Motion to Strike Video Trial Deposition. Plaintiff filed a Response and the matter is now at issue.

Defendant seeks an Order from the Court striking Plaintiff's Notice of Deposition for Dr. Deborah Cantrell, arguing Plaintiff's Notice failed to give the reasonable lead time required by Fed.R.Civ.P. 30(b) or LCvR 30.1. In response, Plaintiff argues that the deposition was scheduled on the only day Dr. Cantrell was available and that Defendants were notified as soon as possible after the date was set.

Plaintiff's argument is without merit. Plaintiff notes that she first contacted Dr. Cantrell's office last week, yet Plaintiff has known since May 1, 2006, that this matter was set for trial in August.* To wait until slightly more than a month prior to trial to **begin** the process of arranging the deposition of a "necessary" trial witness is inexcusable.

* If as Plaintiff asserts Dr. Cantrell has been treating her since 2003, and is a witness essential to the presentation of her case, Plaintiff should have secured Dr. Cantrell's testimony prior to the May trial setting.

Accordingly, Defendant's Motion to Strike Video Trial Deposition (Dkt. No. 80) is GRANTED.

IT IS SO ORDERED this 28th day of July, 2006.



ROBIN J. CAUTHRON
United States District Judge